

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S

D

BILL DRAFT 2011-MD-118 [v.3] (04/03)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

4/3/2012 6:10:04 PM

Short Title: Butner Public Safety Authority Changes.

(Public)

Sponsors: Senator Unknown.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTE THAT CREATES THE
3 BUTNER PUBLIC SAFETY AUTHORITY.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 122C-408 reads as rewritten:

6 **"§ 122C-408. Butner Public Safety Authority; jurisdiction; fire and police district.**

7 (a) Authority Established. – There is hereby created an authority known as the Butner
8 Public Safety Authority, which is a body politic and corporate, to provide fire and police
9 protection ~~for the territory of the Camp Butner Reservation to the Camp Butner Reservation~~
10 ~~and the corporate limits of the Town of Butner.~~

11 (a1) Membership. – The authority shall consist of seven voting members, three
12 appointed by the Town of Butner, three appointed by the Secretary of Public Safety, and one
13 appointed by the Granville County Board of Commissioners. The members shall be appointed
14 within 30 days after the establishment of the authority. The initial Director of the authority shall
15 be the Chief of the Butner Public Safety Division of the Department of Public Safety who is
16 serving in that capacity on the day the authority is established. ~~Subsequent directors shall be~~
17 ~~selected and employed by the authority.~~ The Director shall be an ex officio, nonvoting member
18 of the authority. No active member of the fire or police forces providing services to the
19 authority may serve as a voting member of the authority. When the officers are elected as
20 herein provided, the secretary of the authority shall certify to the Secretary of State the names
21 and addresses of the officers as well as the address of the principal office of the authority, and
22 such certification shall be filed by the Secretary of State in the same manner as articles of
23 incorporation.

24 (a2) Term of Membership. – One member appointed by the Town of Butner, one
25 member appointed by the Secretary of Public Safety, and the member appointed by the
26 Granville County Board of Commissioners shall serve an initial term of two years. The
27 remaining members shall serve an initial term of four years. The beginning date of each initial
28 term for purposes of reappointment is September 1, 2011. Thereafter, each member shall serve
29 a term of four years. ~~The director shall serve a term of four years.~~

30 ...
31 (a5) Police and Fire Protection. – ~~Subject to the provisions of subsection (d) of this~~
32 ~~section, the~~The authority shall employ or contract with a ~~State agency or~~ unit of local
33 government for the provision of special police officers for the territory of the Camp Butner



* 2 0 1 1 - M D - 1 1 8 - V - 3 *

Reservation. The territorial jurisdiction of these officers shall consist of the property shown on a map produced May 20, 2003, by the Information Systems Division of the North Carolina General Assembly and kept on file in the office of the Butner Town Manager and in the office of the Director of the authority and such additional areas which are within the incorporated limits of the Town of Butner as shown on a map to be kept in the office of the Butner Town Manager and in the office of the Director of the authority. The special police officers assigned to the authority shall be organized into a public safety department for that territory. If the authority employs special police officers, then those officers shall be considered employees within the meaning of G.S. 135-1(10) and shall be entitled to participate in the Teachers' and State Employees' Retirement System of North Carolina pursuant to Chapter 135 of the General Statutes. If the authority employs local government law enforcement officers, then those officers shall be part of the local government retirement system of which the local government entity is a member.

(b) Authority of Special Police Officers. – After taking the oath of office required for law-enforcement officers, the special police officers authorized by this section shall have the authority of deputy sheriffs of Durham and Granville Counties in those counties respectively. Within the territorial jurisdiction stated in ~~subsection (a7)~~ subsection (a5) of this section, the special police officers have the primary responsibility to enforce the laws of North Carolina, the ordinances of the Town of Butner, and any rule applicable to the Camp Butner Reservation adopted under authority of this Part or under G.S. 143-116.6 or G.S. 143-116.7 or under the authority granted any other agency of the State and also have the powers set forth for firemen in Articles 80, 82, and 83 of Chapter 58 of the General Statutes. Any civil or criminal process to be served on any individual confined at any State facility within the territorial jurisdiction described in ~~subsection (a7)~~ subsection (a5) of this section shall be forwarded by the sheriff of the county in which the process originated to the Director of the ~~authority~~ authority to be served by the Director or a special police officer of the authority in a manner prescribed by law. Special police officers authorized by this section shall be assigned to transport any individual transferred to or from any State facility within the territorial jurisdiction described in ~~subsection (a7)~~ subsection (a5) of this section to or from the psychiatric service of the University of North Carolina Hospitals at Chapel Hill.

~~(d) — Hiring of Director. — The authority shall contract with the Secretary of Public Safety to provide fire and police protection to the Camp Butner Reservation and the corporate limits of the Town of Butner so long as the Department provides the level of services required by the authority. In such event, the employees of the Department of Public Safety shall remain employees of the State. While the contract between the Secretary of Public Safety and the Town of Butner is in effect, the Secretary of Public Safety shall consult with the voting members of the authority concerning the Department's hiring of the Director of the authority. The consultation shall include, but not be limited to, the voting members of the authority reviewing and providing their comments to the Secretary of Public Safety on the credentials of the applicants for said position. In performing its functions under this subsection, the voting members of the authority shall have the same access to the applicants' personnel records pursuant to Article 7 of Chapter 126 of the General Statutes as the Secretary of Public Safety and are subject to the same restraints concerning the personnel information as set out in that Article. After consultation with the authority, the Secretary of Public Safety shall select and hire the Director of the authority.~~

..."

SECTION 2. This act becomes effective October 1, 2012.